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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,130	01/03/2002	Tsutomu Kawakatsu	0303-0457P	1616

2292 7590 05/09/2003

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[REDACTED] EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>10/034,130</b>  Examiner <b>Greg Binda</b>	Applicant(s) <b>Kawakatsu Et</b>	Art Unit <b>3679</b>	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Apr 11, 2003
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) 4-12 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-3 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Jan 3, 2002 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some\* c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____              |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>3, 6</u> | 6) <input checked="" type="checkbox"/> Other: <i>Itr filed Mar 7, 2002, Paper No. 4</i> |

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*Election/Restriction*

1. Applicant's election without traverse of Species I (Figs. 1-10) in Paper No. 8 is acknowledged.
2. Claims 4-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

*Specification*

3. The disclosure is objected to because on page 1, line 20, instead of application numbers the patent numbers should be cited.
4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Rejections - 35 U.S.C. § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner et al, WO 90/07067 (Turner). Figs. 1-3 show a constant velocity universal joint comprising: a cylindrical outer member 11 connected to a transmission shaft (nominally indicated by numeral 17 in Fig. 1), the outer member 11 having guide grooves 20 separated from each other by a predetermined spacing distance and extending in an axial direction on an inner circumferential surface of the outer member 11; and an inner member 10 connected to another transmission shaft 9, the inner member 10 being inserted into an opening in the outer member 11, the inner member 10 including trunnions 14 each having a spherical surface 15 and annular members 22 each having a spherical recess 23 adapted to receive the spherical surface 15, wherein a pair of opposite flat surfaces 16 are formed on the spherical surface 15 to which no torque is applied.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al, US 5,256,107 (Matsumoto). Figs. 1-3 show a constant velocity universal joint comprising: a cylindrical outer member 22 connected to a transmission shaft 20, the outer member 22 having guide grooves 34 separated from each other by a predetermined spacing distance (see also col. 6, line 45) and extending in an axial direction on an inner circumferential surface of the outer member 22; and an inner member 26 connected to another transmission shaft 24, the inner member 26 being inserted into an opening in the outer member 22, the inner member 26 including

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trunnions 28 each having a spherical surface 29 and annular members 30 each having a spherical recess 23 adapted to receive the spherical surface 31, wherein a pair of opposite flat surfaces 40 are formed on the spherical surface 31 to which no torque is applied.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizukoshi, US 5,069,653. Figs. 1-4 show a constant velocity universal joint comprising: a cylindrical outer member 1 connected to a transmission shaft (see col. 3, line 25), the outer member 1 having guide grooves 2 separated from each other by a predetermined spacing distance (see also col. 3, line 22) and extending in an axial direction on an inner circumferential surface of the outer member 1; and an inner member 3 connected to another transmission shaft (see col. 3, line 28), the inner member 3 being inserted into an opening in the outer member 1, the inner member 3 including trunnions 4 each having a spherical surface 13 and annular members 7 each having a spherical recess 13 adapted to receive the spherical surface 12, wherein a pair of opposite flat surfaces 12 are formed on the spherical surface 11 to which no torque is applied.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by any one of Kimata et al, US 4,747,803; Welschof, US 5,199,925; and Orain, US 5,290,202.

*Conclusion*

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before final), (703) 872-9327 (after final) and (703) 872-9325 (customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**GREGORY J. BINDA  
PRIMARY EXAMINER**